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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/750,173 | 12/31/2003 | Edward B. Zalenski | 3518.1020-000 |

021005
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
 530 VIRGINIA ROAD
 P.O. BOX 9133
 CONCORD, MA 01742-9133

CONFIRMATION NO. 5023

FORMALITIES LETTER



OC000000013479412

Date Mailed: 08/09/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

00
00
00
770.00
130.00
180.00

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 3G &3I.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$180** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1080** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$180**
 - **\$180** for 10 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

| | | |
|---|------------------------|--------------------|
| FEES TRANSMITTAL FOR PATENT APPLICATIONS | Attorney Docket Number | 3518.1020-000 |
| | Application Number | 10/750,173 |
| | First Named Inventor | Edward B. Zalenski |

CLAIM CALCULATION (includes any preliminary amendment)

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|---|------------------|---|--------------------------------------|------------------|
| | TOTAL CLAIMS (37 CFR 1.16(c) or (j)) | 30 - 20* = | 10 | x \$ 18 = | \$ 180 |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i)) | 3 - 3** = | 0 | x \$ 86 = | \$ 0 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) | | | + \$ 290 = | \$ |
| | | | | BASIC FEE (37 CFR 1.16(a) or (h)) | \$ 770 |
| | | | Total of above Calculations = | | \$ 950 |
| | | | Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) = | | \$ |
| | | | TOTAL = | | \$ 950 |
| | | | Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) = | | \$ 130 |
| | | | Petition for Extension of Time Fee (37 C.F.R. 1.17) = | | \$ |
| | | | Assignment Recordation Fee = (only when filed with application) | | \$ |
| | | | [Other] | | \$ |
| | * Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent | | TOTAL = | | \$ 1080 |

1. Small entity status:

- a. A small entity statement is enclosed.
 - b. A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
 - c. Is no longer claimed.
2. A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
3. A check is enclosed for \$1,080. Please charge \$[] to Deposit Account No. 08-0380.
4. Other: _____

| | | | |
|---------------------------------------|------------------|-------------|---------|
| Signature | | Date | 8/27/04 |
| Submitted by Typed or Printed Name | Joseph M. Maraia | Reg. Number | 55,926 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward B. Zalenski, Dale W. Frank, Michael D. Sorrenti and Alexander Grinberg

Application No.: 10/750,173 Group: 3732

Filed: December 31, 2003 Examiner: Not Assigned

Confirmation No.: 5023

For: INSERTER INSTRUMENT AND IMPLANT CLIP



CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

Aug. 27, 2004 Christine A. Budd
Date Signature

CHRISTINE A. BUDD
Typed or printed name of person signing certificate

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated August 9, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

[X] EXECUTED DECLARATION FOR PATENT APPLICATION

(Separate transmittal letter and postcard not required)

[X] POWER OF ATTORNEY DOCUMENT

[] Granted by Inventor(s)

[X] Granted by Assignee, including Statement under 37 C.F.R. 3.73(b)

(Separate transmittal letter and postcard not required)

[] PRELIMINARY AMENDMENT

(Separate transmittal letter and postcard not required)

[X] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate

Fee calculations based on:

[X] Claims as originally filed

[] The Notice to File Missing Parts states an erroneous number of claims.

[] Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

(Separate transmittal letter and postcard not required)

[X] **SURCHARGE** - surcharge fee of \$130

(Separate transmittal letter and postcard not required)

[] **SEQUENCE LISTING** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

[X] **REPLACEMENT DRAWINGS** - [18] sheets of replacement drawings consisting of Figs. 1A & B, 2A-C, 3A-I, 4, 5, 6A & B, and 7 are enclosed

(Separate transmittal letter and postcard not required)

[] A Petition to Accept Color Drawings/Photographs (Fig(s)). [] and a Transmittal of Replacement Drawings, with attachments, are enclosed.

(Separate check for fees and postcard required)

[] **PETITION FOR EXTENSION OF TIME**

[] Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated [] for [] month(s) from [] to []
The appropriate fee of \$[] is included in the enclosed check

[] A [] month extension of time to respond to the Notice to File Missing Parts dated [] was filed on [] with payment of a \$[] fee

[] Applicant hereby petitions for an additional [] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[] is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

[] **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

[] STATEMENT CLAIMING SMALL ENTITY STATUS

- [] Was filed on []
- [] Is enclosed herewith
(Separate transmittal letter and postcard not required)
- [] In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[] which were paid on [] to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1,080. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By _____
Joseph M. Maraia
Registration No.: 55,926
Tel.: (978) 341-0036
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: 2/27/07